

30746.000300

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

RHONDA MITTS,

Plaintiff,

v.

COSTCO WHOLESALE CORPORATION,

Defendant.

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No. 16 cv 5788

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Removed from Circuit Court of  
Cook County, IL No. 16 L 004430

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**NOTICE OF REMOVAL**

Defendant, COSTCO WHOLESALE CORPORATION ("COSTCO"), by and through its attorneys, BRADLEY C. NAHRSTADT and RYAN A. KELLY, of LIPE LYONS MURPHY NAHRSTADT & PONTIKIS LTD., files this Notice of Removal, removing this action from the Circuit Court of Cook County, Illinois to the United States District Court for the Northern District of Illinois and, in support thereof, states as follows:

1. This civil action, seeking damages for an alleged slip and fall at a Costco Warehouse in DuPage County, Illinois, was commenced against the Defendant, Costco Wholesale Corporation, in the Circuit Court of Cook County, Illinois on May 3, 2016. (See a copy of the plaintiff's Complaint at Law attached hereto as Exhibit A). The Defendant, COSTCO, now files this Notice of Removal.

2. A summons and a copy of the plaintiff's Complaint at Law filed in Cook County, Illinois was served upon CT Corporation, COSTCO's registered agent for service of process, on May 9, 2016. (See Service of Process Transmittal form attached hereto as Exhibit B).

3. COSTCO is the only entity named as a defendant in the plaintiff's complaint at law. (See Exhibit A).

4. At the time the action was commenced the plaintiff, RHONDA MITTS, was domiciled and resided at 2019 Providence Way, Joliet, Illinois. As such, the plaintiff is a citizen of the state of Illinois.

5. The defendant, COSTCO WHOLESALE CORPORATION is a corporation organized and incorporated under the laws of the state of Washington and having its principal place of business at 999 Lake Drive, Issaquah, Washington. As such, the defendant is a citizen of the state of Washington.

6. The plaintiff's Complaint sounds in negligence and seeks damages "in an amount in excess of \$50,000" from COSTCO for the plaintiff's personal, permanent, and pecuniary injuries. (See Exhibit A). Counsel for the plaintiff has indicated to Gallagher Bassett Services, Inc., the third-party administrator for COSTCO, that the plaintiff sustained a fractured left forearm with a displaced comminuted fracture of the mid-radial shaft. Surgical intervention was required with internal fixation of the radial shaft and closed reduction of the distal radioulnar joint. Counsel for the plaintiff also indicated to Gallagher Bassett Services that the plaintiff has incurred medical bills in excess of \$48,000. Prior to filing suit, counsel for the plaintiff made a demand to settle the claim for \$150,000. Based on the foregoing, the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

7. The plaintiff's Complaint alleges that the plaintiff tripped and fell in the Costco warehouse located at 1320 S. Route 59 in Naperville, Illinois. (See Exhibit A, ¶¶ 1, 8-9). The plaintiff filed her suit in Cook County, Illinois. Therefore, since a substantial part of the events giving rise to the plaintiff's claim occurred in the Northern District of Illinois, venue is proper in this judicial district (see 28 U.S.C. § 1391 (b)(2)) and filing in the Northern District is proper in accordance with NDIL—LR 40.1.

8. There is complete diversity of citizenship between the plaintiff and the defendant and the amount in controversy exceeds \$75,000. Therefore this is a civil action over which the United States District Court has original jurisdiction under 28 U.S.C. § 1332.

9. COSTCO was served with a summons and complaint on May 9, 2016. Therefore this Notice of Removal has been filed within 30 days of the date of service and removal is timely in accordance with 28 U.S.C. § 1446(b)(1).

10. Upon information and belief, the plaintiff did not file a jury demand when she filed her state court action.

11. True and correct copies of all of the process, pleadings, and orders from the Illinois state court action which have been served upon the defendant have been filed with this Notice of Removal pursuant to 28 U.S.C. §1446(a).

12. Defendant, COSTCO, by counsel, will file a copy of this Notice of Removal in the Circuit Court of Cook County, Illinois and serve a copy of this Notice of Removal with all exhibits upon counsel for the plaintiff by United States mail pursuant to 28 U.S.C. § 1446(d).

13. Defendant, COSTCO, designates their undersigned counsel, Bradley C. Nahrstadt (direct dial telephone shown below), as lead counsel who will be responsible for receipt of telephone conference calls.

WHEREFORE, the defendant, Costco Wholesale Corporation, hereby removes this action to the United States District Court for the Northern District of Illinois.

LIPE LYONS MURPHY NAHRSTADT & PONTIKIS LTD.

By: /s/ Bradley C. Nahrstadt

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